

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BMW OF NORTH AMERICA, LLC,

Plaintiff,

vs.

KORTEK SERVICES, INC., et al.,

Defendants.

Case No. 2:11-cv-01909-LRH-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Defendants' failure to comply with this court's Order (Dkt. #9) and Order to Show Cause (Dkt. #16).

On January 6, 2012, the court entered an Order (Dkt. #9) requiring Defendants to file a Certificate of Interested Parties in compliance with Local Rule 7.1-1 on or before January 18, 2012. The order warned Defendants that their failure to comply "may result in the issuance of an order to show cause why sanctions should not be imposed." *Id.* Defendants failed to file their Certificate of Interested Parties and did not request an extension of time in which to comply with the court's Order (Dkt. #9).

On January 25, 2012, the court entered an Order to Show Cause (Dkt. #16) based on Defendants' failure to comply with the court's previous Order (Dkt. #9). The court directed Defendants to show cause in writing no later than February 6, 2012, why they had not complied with the court's Order (Dkt. #9). The Order to Show Cause (Dkt. #16) advised Defendants that "[f]ailing to comply with the Local Rules of Practice, the Federal Rules of Civil Procedure, and the court's orders may result in sanctions, up to and including case-dispositive sanctions." Defendants failed to file a response to the Order to Show Cause (Dkt. #16), have not requested an extension of time in which to do so, and have not filed a Certificate of Interested Parties..

1 Defendants' willful failure to comply with the court's Orders is an abusive litigation practice
2 that has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's
3 timely management of its docket, wasted judicial resources, and threatened the integrity of the court's
4 orders and the orderly administration of justice. The Certificate of Interested Parties is required for the
5 court to assess whether a conflict of interest exists which requires the assigned judge(s) to disqualify
6 himself or herself. Sanctions less drastic than dismissal are unavailable because Defendants have
7 wilfully refused to comply with multiple court Orders and the Local Rules of Practice.

8 Accordingly,

9 **IT IS RECOMMENDED** that a default judgment be entered against Defendants unless
10 Defendants file the Certificate of Interested Parties no later than **February 28, 2012**.

11 Dated this 14th day of February, 2012.

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14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE
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